

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2005-79
Petition of Walter Lafko
38 Sabrina Road

Petition of WALTER LAFKO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming structure, construction of a 102 foot by 36 foot two story dwelling which will conform to required setbacks, on a 20,100 square foot lot, in a district in which the minimum lot size is 40,000 square feet, at 38 SABRINA ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 17, 2005, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Walter Lafko, who said that Mr. Nix, the owner of the property and Joyce Hastings, the surveyor were present with him. Mr. Lafko said that they are requesting a special permit for relief from the lot size requirement. He said that there is an existing nonconforming structure on the property. He said that the existing structure has a failed septic system. Mr. Lafko said that they are proposing to raze the existing structure, install infiltration pits and connect to existing sewer and water lines, and construct a dwelling that will conform to all setback requirements. He said that they have an order of conditions from the Wetlands Protection Committee.

The Board said that the dimensions of the proposed porch are not shown on the plans. Mr. Lafko said that the proposed porch will be 5 feet by 10 feet. He said that the plans are not to scale because they were reduced. He said that the porch will not be more than 50 square feet.

The Board asked what the property backs up to. Ms. Hastings said there is a residential structure with a private driveway.

The Board asked how the average grade was calculated. Ms. Hastings said that the average grade was calculated from the top of the concrete down. She said that they added retaining walls as necessary. She said that the average grade was based on that plus the height of the house.

Ms. Hastings said that they took into consideration all of the changes and made adjustments to the elevations to meet the height restrictions. The calculations were based on the percentage of the distances. She said that they added the average distances and then divided by the total perimeter. She said that gave them an elevation of 198.6. She said that the house height was adjusted based on that calculation.

Statement of Facts

The subject property is located at 38 Sabrina Road, on a 20,100 square foot lot, in a district in which the minimum lot size is 40,000 square feet. The existing structure has a minimum rear yard setback of 18.7 feet.

The petitioner is requesting a Special Permit/Finding that demolition of the existing nonconforming structure, construction of a 102 foot by 36 foot two story dwelling which will conform to required setbacks, on a 20,100 square foot lot, in a district in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/7/05, stamped by Joyce E. Hastings, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Pinnacle Design and Construction Management, Inc., and photographs were submitted.

On October 25, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

On September 20, 2005, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-498) for the project.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that demolition of the existing nonconforming structure with a minimum rear yard setback of 18.7 feet, and construction of a two-story structure that will meet all setback requirements, on a 20,100 square foot lot in a district in which the minimum lot size is 40,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing dwelling, and construction of a two story dwelling that meets all setback requirements subject to the following conditions:

1. The front porch will not exceed 50 square feet
2. All conditions set forth in the Order of Conditions (DEP 324-498) issued by the Wetlands Protection Committee

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
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